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NOTICE OF NONCOMPLIANCE

12/20/91

DOE-531-92
DOE-FO/USEPA
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LETTER

Department c
Fernald Environmental Management Project
P.O. Box 398705
Cincinnati, Ohio 45239-8705
(513) 738-6357

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DEC 2 0 1991

DOE-531-92

Mr. Tony Silvasi
PCB Control Section (SP-14J)
U.S. Environmental Protection Agency
230 South Dearborn
Chicago, Illinois 60604

Dear Mr. Silvasi:

NOTICE OF NONCOMPLIANCE

Reference: Notice of Noncompliance SP-14J, Westinghouse Materials Company of Ohio (now known as Westinghouse Environmental Management Company of Ohio) dated November 14, 1991, and received November 20, 1991

The purpose of this letter is to respond to the Notice of Noncompliance dated November 14, 1991, and received by the U.S. Department of Energy (DOE) on November 20, 1991. On August 20, 1991, a representative of the U.S. Environmental Protection Agency (U.S. EPA) inspected the Fernald Environmental Management Project (FEMP) to determine compliance with the Polychlorinated Biphenyl (PCB) regulations set forth in 40 CFR 761. This response addresses the status of the PCBs and PCB items in the FEMP inventory and annual report as well as proposed actions and disposal options currently underway or being developed to address PCBs and PCB items in storage pending disposal. The FEMP is interested in meeting with you and your staff to discuss these activities.

The FEMP's inventory contains both PCBs and PCBs mixed with radionuclides. The disposal options for radioactively mixed PCBs are severely limited. The EPA has recognized this problem and published an advance notice of proposed rulemaking on the disposal of PCBs in the June 10, 1991, Federal Register (Volume 56, Number 111). This notice recognizes limited treatment/disposal capacity available for radioactive PCBs which may necessitate future amendments in 40 CFR 761 and proposed amending the regulations to allow temporary storage of radioactively mixed PCB wastes. DOE Headquarters has been working with U.S. EPA Headquarters to address these issues. The following describes the FEMP's inventory and the activities underway or being developed to address treatment or disposal options for both PCBs and radioactively mixed PCBs.

PCB Inventory

The FEMP currently has sixty-eight (68) drums of PCBs and PCB items in its inventory. A complete listing and proposed disposition is provided in the attachment. The following is a breakdown of the inventory by proposed

treatment or disposal option:

Radioactively Mixed PCB Liquids - Proposed Disposal at the DOE Oak Ridge TSCA Incinerator	30 Drums
PCB Solids - Proposed Disposal at a Commercial Disposal Facility	28 Drums
Radioactively Mixed PCB Solids - No Disposal Option	10 Drums
TOTAL	68 Drums

Radioactively Mixed PCB Liquids - DOE Incinerator

Thirty (30) drums of radiologically-mixed liquid PCBs are being characterized for disposal with the probable shipment to the DOE TSCA Incinerator at Oak Ridge facility in Oak Ridge, Tennessee pending results of the characterization. The particular waste stream proposed for incineration was sampled and analytical results were received in July 1991. Since then, FEMP has worked with the personnel at DOE's TSCA Incinerator to ascertain a shipment date. Because of incinerator "down time" as well as a substantial backlog of wastes ahead of the FEMP on the burn schedule, a time period for the shipment and subsequent disposal has not been determined by the personnel at the TSCA incinerator. The FEMP will continue to work on this option.

PCB Solids Ready for Shipment - Proposed Commercial Disposal

Twenty-eight (28) drums of non-radioactive PCBs and PCB items are now ready for shipment to a licensed commercial facility in Deer Park, Texas. These drums contain PCBs and PCB items which were originally considered as radiologically mixed when removed from service and placed into storage. In order to determine which drums could be shipped to a disposal facility, a Mixed-Waste Working Group (both WEMCO and DOE personnel) was formed last year for the purpose of developing a plan to decontaminate if necessary and recharacterize the PCBs and PCB items for possible disposal at a commercial incineration facility. The selected commercial facility was considered the most viable option for disposal because it offered the most reasonable pickup and disposal time for the incineration of PCBs and PCB items. The commercial facility advised us that due to backlog at their facility, the earliest shipments can be begin is February 1992. An exception report will be submitted to your office in accordance with 40 CFR 761.215 after the wastes have been shipped.

The removal of the PCB items found to be radiologically clean required the submittal of a shipping package to DOE Headquarters for approval; the package included procedures and the necessary documentation to prove no radiological contamination of the items to be shipped. The FEMP's shipping package was approved on September 30, 1991.

Radioactively Mixed PCB Solids - No Disposal Options

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PCBs and PCB items which could not be radiologically decontaminated were returned to storage because no viable disposal or treatment option currently exists. This includes ten (10) drums of solid radiologically contaminated PCBs and PCB items (none of which exceed a PCB concentration of 500 ppm).

ACTIONS/ISSUES

As identified above, twenty-eight (28) drums of PCB waste will be ready for shipment to a commercial disposal facility in February, 1992, pending logistics of the disposal firm. Of those twenty-eight (28) drums of waste, sixteen (16) drums contain non-regulated items (e.g., light ballasts). An additional thirty (30) drums of PCB waste are being characterized for disposal and probable shipment to the DOE TSCA incinerator in Oak Ridge, Tennessee, pending availability in their schedules for incineration. The remaining ten (10) drums of solid PCB waste are radioactively contaminated materials for which there is no current treatment or disposal options. As we continue to explore viable treatment and disposal options, all PCBs and PCB items, both regulated and non-regulated items (e.g. light ballasts), are being stored in an onsite facility in compliance with applicable TSCA regulations.

The current TSCA regulations do not address the issue of the use, storage and disposal requirements for radioactively contaminated PCB mixtures and PCB items. Currently, there are no viable treatment or disposal alternatives for this waste stream which makes it necessary to store these wastes until those alternatives can be developed. Under existing regulations there are no available options for extended storage of radioactively mixed PCBs. Finally, the FEMP was listed on the National Priorities List in November, 1989 pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, 42 U.S.C. Sections 9601, et seq. Under the 1991 Amended CERCLA Consent Agreement with EPA, the PCB requirements in 40 CFR 761 may be potential applicable or relevant and appropriate requirements for response actions including PCBs and PCB items in the FEMP inventory.

The FEMP wishes to resolve the TSCA issues identified in your notice through discussions with you or your staff. If you have any questions concerning this letter, please contact Ed Skintik at FTS 774-6660 or (513) 738-6660.

Sincerely,

R.E. Tiller

R. E. Tiller
Manager

FO:Skintik

Enclosure: As Stated

cc w/encl.:

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J. Fiore, EM-42, TREV
K. A. Hayes, EM-424, TREV
J. A. Saric, USEPA-V, 5HR-12
G. E. Mitchell, OEPA
S. W. Coyle, WEMCO
H. F. Daugherty, WEMCO
V. A. Franklin, WEMCO
S. W. Heisler, WEMCO
E. D. Savage, WEMCO
T. J. Walsh, WEMCO
AR Coordinator, WEMCO

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PCBs AND PCB ITEMS IN STORAGE
PROPOSED DISPOSITION

INV. NO	DESCRIPTION	DATE IN STORAGE	SHIPMENT/DISPOSAL STATUS	PROPOSED DESTINATION
361	PCB WATER	11/07/84	NONE	MIXED-TSCA
405	CAPACITORS	10/27/87	READY FOR SHIPMENT	ROLLINS
434	CAPACITORS	01/15/88	NONE	MIXED-NO DISPOSAL OPTIONS
436	CAPACITORS	08/11/88	NONE	MIXED-NO DISPOSAL OPTIONS
658	CAPACITORS	09/30/88	NONE	MIXED-NO DISPOSAL OPTIONS
659	CAPACITORS	09/30/88	READY FOR SHIPMENT	ROLLINS
660	CONT ELEC EQUIP	08/29/88	READY FOR SHIPMENT	ROLLINS
688	TRASH	05/18/88	NONE	MIXED-NO DISPOSAL OPTIONS
689	PCB LIQUID	05/18/88	NONE	MIXED-TSCA
696	PCB LIQUID	05/18/88	NONE	MIXED-TSCA
697	PCB LIQUID	05/18/88	NONE	MIXED-TSCA
701	PCB LIQUID	05/18/88	NONE	MIXED-TSCA
702	PCB LIQUID	05/18/88	NONE	MIXED-TSCA
704	PCB LIQUID	05/18/88	NONE	MIXED-TSCA
705	PCB LIQUID	05/18/88	NONE	MIXED-TSCA
706	PCB LIQUID	05/18/88	NONE	MIXED-TSCA
707	PCB LIQUID	05/18/88	NONE	MIXED-TSCA
708	PCB LIQUID	05/18/88	NONE	MIXED-TSCA
713	PCB LIQUID	05/18/88	NONE	MIXED-TSCA
714	PCB LIQUID	05/18/88	NONE	MIXED-TSCA
715	PCB LIQUID	05/18/88	NONE	MIXED-TSCA
716	PCB LIQUID	05/18/88	NONE	MIXED-TSCA
717	PCB LIQUID	05/18/88	NONE	MIXED-TSCA
720	PCB LIQUID	05/18/88	NONE	MIXED-TSCA
721	PCB LIQUID	05/18/88	NONE	MIXED-TSCA
722	PCB LIQUID	05/18/88	NONE	MIXED-TSCA
723	PCB LIQUID	05/18/88	NONE	MIXED-TSCA
724	PCB LIQUID	05/18/88	NONE	MIXED-TSCA
725	PCB LIQUID	05/18/88	NONE	MIXED-TSCA
726	PCB LIQUID	05/18/88	NONE	MIXED-TSCA
727	PCB LIQUID	05/18/88	NONE	MIXED-TSCA
731	PCB LIQUID	05/18/88	NONE	MIXED-TSCA
732	PCB LIQUID	05/18/88	NONE	MIXED-TSCA
735	PCB LIQUID	05/18/88	NONE	MIXED-TSCA

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PCBs and PCB Items in Storage
Proposed Disposition

736	PCB LIQUID	05/18/88	NONE	MIXED-TSCA
737	PCB LIQUID	05/18/88	NONE	MIXED-TSCA
738	PCB LIQUID	05/18/88	NONE	MIXED-TSCA
820	BALLASTS	10/27/89	READY FOR SHIPMENT	ROLLINS
1685	BALLASTS	04/15/89	READY FOR SHIPMENT	ROLLINS
1861	CAPACITORS	05/31/89	NONE	MIXED-NO DISPOSAL OPTIONS
3370	CAPACITORS	08/04/89	READY FOR SHIPMENT	ROLLINS
3371	CAPACITORS	08/15/89	READY FOR SHIPMENT	ROLLINS
3703	BALLASTS	09/26/89	READY FOR SHIPMENT	ROLLINS
3704	FLOOR DRY	09/26/89	NONE	MIXED-NO DISPOSAL OPTIONS
4644	CAPACITORS	06/30/89	NONE	MIXED-NO DISPOSAL OPTIONS
4651	CAPACITORS	07/14/89	NONE	MIXED-NO DISPOSAL OPTIONS
4710	BALLASTS	04/16/90	READY FOR SHIPMENT	ROLLINS
4853	BALLASTS	03/27/90	READY FOR SHIPMENT	ROLLINS
4854	BALLASTS	03/27/90	READY FOR SHIPMENT	ROLLINS
4855	BALLASTS	03/27/90	READY FOR SHIPMENT	ROLLINS
4856	BALLASTS	03/27/90	READY FOR SHIPMENT	ROLLINS
4857	BALLASTS	03/27/90	READY FOR SHIPMENT	ROLLINS
4859	BALLASTS	03/27/90	READY FOR SHIPMENT	ROLLINS
6230	CAPACITORS	05/19/90	READY FOR SHIPMENT	ROLLINS
6231	CAPACITORS	05/19/90	READY FOR SHIPMENT	ROLLINS
6265	CAPACITORS	06/19/90	READY FOR SHIPMENT	ROLLINS
6266	CAPACITORS	06/19/90	READY FOR SHIPMENT	ROLLINS
6305	TRASH	08/10/90	READY FOR SHIPMENT	ROLLINS
6321	LAB PACK	08/10/90	NONE	MIXED-NO DISPOSAL OPTIONS
6447	BALLASTS	11/21/90	READY FOR SHIPMENT	ROLLINS
6503	BALLASTS	07/24/89	READY FOR SHIPMENT	ROLLINS
6504	TRASH	05/26/87	NONE	MIXED-NO DISPOSAL OPTIONS
6505	BALLASTS	05/31/90	READY OR SHIPMENT	ROLLINS
6619	BALLASTS	01/21/90	READY OR SHIPMENT	ROLLINS
6624	CONT ELEC EQUIP	02/15/90	READY FOR SHIPMENT	ROLLINS
6625	BALLASTS	12/12/90	READY FOR SHIPMENT	ROLLINS
6640	BALLASTS	03/12/90	READY FOR SHIPMENT	ROLLINS
7422	CONT ELEC EQUIP	02/15/90	READY FOR SHIPMENT	ROLLINS

MIXED-TSCA (Proposed shipment to the TSCA Incinerator for Disposal)	30 Drums
READY FOR SHIPMENT (Rollins)	28 Drums
MIXED-NO DISPOSAL OPTIONS (No Disposal Options Available for Solid Radiologically Mixed PCBs and PCB Items)	10 Drums
	68 Drums Total

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PCBs and PCB Items in Storage
Proposed Disposition

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